

Notice of Allowability

Application No.

09/940,510

Examiner

Dwin M. Craig

Applicant(s)

TAKEMURA ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-21-05.
2. ☒ The allowed claim(s) is/are 1, 2 and 4-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

16

DETAILED ACTION

And

EXAMINER'S REASONS FOR ALLOWANCE

1. Claims 1, 2 and 4-28 are allowed.

2. Claim 3 is cancelled.

3. The following is an examiner's statement of reasons for allowance:

3.1 As regards independent claim 1, the following limitations, in combination with other limitations are neither anticipated nor made obvious by the prior art, "*wherein a function $F(\kappa)$ of the viscosity ratio κ is set as a lubrication parameter a_L* " in combination with "*wherein the life correction coefficient a_{NSK} is calculated on the basis of the lubrication parameter a_L and a load parameter $\{(P-P_u)/C\} \bullet 1/a_c$* ".

3.2 As regards independent claims 4, 11, 26 and 27, the following limitation, in combination with other limitations is neither anticipated nor made obvious by the prior art, "*including a fatigue limit load P_u , and a contamination degree coefficient a_c* ". The combination of this expressly claimed limitation and Applicants' persuasive argument on page 13 of the 6/21/2005 have been sufficient to overcome any previously applied prior art rejections.

3.3 Further and in regards to independent claims 4 and 11, the Examiner notes that Applicants' are drawing structural support in from the specification through the use of "*means for*" language as per 35 USC § 112 sixth paragraph, *see In re Donaldson Co.*, 16 F.3d 1189, 29

Art Unit: 2123

USPQ2d 1845 (Fed. Cir. 1994). Further, the Examiner notes that, “*Per our holding, the “broadest reasonable interpretation” that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.*” see MPEP section 2181. Therefore the Examiner notes that in the “*life correction coefficient setting means for setting life correction coefficient on the basis of the lubrication parameter and the load parameter*” can only be reasonably interpreted to describe the formulas disclosed on pages 6-13 in Applicants’ specification. The Examiner notes that these expressly supported formulas for generating the “*life correction coefficient*” as expressly claimed by the Applicants’ claim language is neither anticipated nor made obvious by the prior art.

As regards independent claims 4 and 11 being tangibly embodied, such that the claims are directed towards statutory subject matter, as required by 35 USC § 101, the Examiner notes the following, both independent claims 4 and 11 have the following limitation, “*a data information input means for inputting data information including the basic dynamic rating C and the basic static load rating C_0 of said rolling bearing.*” The Examiner notes that again Applicants’ are invoking 35 USC § 112 sixth paragraph, the Examiner notes that the only tangible embodiment in Applicants’ specification for a “*data information input means*” for inputting, “*basic dynamic rating C* ” and “*basic static load rating C_0 of said rolling bearing*” is disclosed in Figure 33, items 233 and 234 respectively. The Examiner further notes that Figures 1 and 2 disclose a computer system, finally the Examiner notes that Figure 33 is clearly a computer implemented Graphical User Interface, or GUI and that is being executed on a

Art Unit: 2123

computer and that the “*means for*” language of claims 4 and 11 are clearly directed towards execution of a computer program to perform data input, calculations and then provide data output. Claims 4 and 11 are directed towards tangible embodiments of performing a computer-implemented method of predicting the life of a rolling bearing.

3.4 Dependent claims 2, 5-10, 12-25 and 28 are allowed, as they depend upon an allowed base claim.

3.5 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2123

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC


Paul L. Rodriguez 9/17/05
Primary Examiner
Art Unit 2125